

House Daily Reader

Tuesday, January 25, 2005

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State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0362

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **HB 1055** - 01/21/2005

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and
Management

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of settlement
2 expenses to SDDS, Inc., and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby appropriated from the general fund the sum of five million two
5 hundred ten thousand dollars (\$5,210,000), or so much thereof as may be necessary, to the
6 SDDS, Inc., for the payment of settlement expenses.

7 Section 2. The commissioner of the Bureau of Finance and Management shall approve
8 vouchers for the payment of settlement expenses and the state auditor shall draw warrants to pay
9 expenditures authorized by this Act.

10 Section 3. Whereas, this Act is necessary for the support of the state government and its
11 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
12 full force and effect from and after its passage and approval.



State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

178L0306

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1070** - 01/21/2005

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to provide for the arrest and detention of certain
2 probationers believed to be in violation of their probation conditions by court service
3 officers or law enforcement officers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 23A-27-21 be amended to read as follows:

6 23A-27-21. ~~The court services officer shall immediately submit to the court having~~
7 ~~jurisdiction of a case the failure of any person in his charge to comply with his directives or with~~
8 ~~any conditions imposed by the court. Whenever the court services officer is satisfied that for any~~
9 ~~reason the purposes or objects of a court's suspension or probation are not being served, or when~~
10 ~~it appears to him necessary in order to prevent escape or enforce discipline, he may, without~~
11 ~~order or warrant, take and detain a probationer and place him in custody and shall immediately~~
12 ~~submit to the court having jurisdiction of the case such fact, together with reasons why he~~
13 ~~believes the purposes and objects of such suspension or probation are not being served. The~~
14 ~~court shall thereupon consider the recommendations of the court services officer and make~~
15 ~~suitable disposition thereof which may include revocation of probation or suspension. A court~~



1 services officer may arrest and take into custody a person on probation or suspended sentence
2 without a warrant if that court services officer has probable cause to believe that:

3 (1) The person has violated the terms and conditions of suspension or probation;

4 (2) The person has failed to comply with the court services officer's documented
5 directives;

6 (3) The purpose or objects of suspension or probation are not being served; or

7 (4) The arrest or taking into custody appears necessary in order to prevent escape,
8 enforce discipline, or protect the community.

9 Section 2. That chapter 23A-27 be amended by adding thereto a NEW SECTION to read
10 as follows:

11 A court services officer may issue a verbal or written order authorizing a law enforcement
12 officer to aid a court services officer in making an arrest or taking a person into custody
13 pursuant to § 23A-27-21.

14 Section 3. That chapter 23A-27 be amended by adding thereto a NEW SECTION to read
15 as follows:

16 If a court services officer has probable cause to believe a person on probation has violated
17 the terms and conditions of probation, the court services officer may issue a detainer authorizing
18 anyone having the person in custody to detain the person for up to forty-eight hours, excluding
19 Saturdays, Sundays, and holidays, for the purpose of obtaining a warrant, revocation, bond
20 hearing, or court order. The person shall be released after forty-eight hours, excluding Saturdays,
21 Sundays, and holidays, unless a warrant or court order for further detention has been issued.

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0295

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 20** - 01/14/2005

Introduced by: The Committee on State Affairs at the request of the Public Utilities
Commission

1 FOR AN ACT ENTITLED, An Act to prohibit a mobile telecommunications service provider
2 from including a subscriber's telephone number in a wireless directory assistance service
3 database without the subscriber's authorization.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 49-31-1 be amended by adding thereto NEW SUBDIVISIONS to read as
6 follows:

7 "Mobile telecommunications service," any commercially available interconnected mobile
8 phone service that provides access to the public switched telephone network through mobile
9 communications devices employing radio wave technology to transmit calls;

10 "Wireless telephone number information," the telephone number, electronic address, and
11 any other identifying information by which a calling party may reach a subscriber of mobile
12 telecommunications service, and that is assigned by a mobile telecommunications service
13 provider to a subscriber, and includes the subscriber's name and address.

14 Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
15 follows:



1 No provider of mobile telecommunications service, or any direct or indirect affiliate or agent
2 of a provider, may include the wireless telephone number information of a South Dakota
3 subscriber in a wireless directory assistance service database or publish, sell, or otherwise
4 disseminate the contents of a wireless directory assistance service database unless:

5 (1) The mobile telecommunications service provider provides a conspicuous separate
6 notice to the subscriber informing the subscriber of the right not to be listed in a
7 wireless directory assistance service; and

8 (2) The mobile telecommunications services provider obtains express prior authorization
9 for listing from the subscriber, separate from any authorization obtained to provide
10 such subscriber with mobile telecommunications service, or any calling plan or
11 service associated with the mobile telecommunications service, and the authorization
12 has not been subsequently withdrawn.

13 Section 3. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 No person may charge a subscriber for making the choice to not be listed in a wireless
16 directory assistance database or for removing the subscriber's mobile telecommunications
17 service telephone number from a wireless directory assistance database at the subscriber's
18 request.

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0368

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 54** - 01/21/2005

Introduced by: The Committee on Judiciary at the request of the Department of Social
Services

1 FOR AN ACT ENTITLED, An Act to clarify the procedure to be followed for expedited abused
2 or neglected child proceedings.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 26-8A-21.2 be amended to read as follows:

5 26-8A-21.2. If the court has determined that reasonable efforts to return an adjudicated
6 abused or neglected child to the home of the parent, guardian, or custodian are not appropriate,
7 a permanency hearing shall be held within thirty days after the determination. At the
8 permanency hearing, the court shall determine whether and, ~~if applicable,~~ when:

9 (1) The child should be placed for adoption, and the state ~~should file a petition for~~ shall
10 notify the parties of its intent to seek the termination of parental rights if such notice
11 has not already been provided;

12 (2) The child should be referred for legal guardianship;

13 (3) The child should be placed permanently with a fit and willing relative; or

14 (4) A compelling reason is documented with the court that none of the permanent plans
15 listed in this section would be in the best interest of the child, and the child should



1 be placed in another planned permanent living arrangement.

2 The court may immediately proceed with a final dispositional hearing if proper notice of the

3 hearing has been given.